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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,095	03/13/2001	Gijsbert Joseph Van Den Enden	PHN 17,554	1084

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

AGUSTIN, PETER VINCENT

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/787,095

Applicant(s)

VAN DEN ENDEN, GIJSBERT
JOSEPH

Examiner

Peter Vincent Agustin

Art Unit

2652

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see item 10 below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-12

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: Applicant's arguments filed January 3, 2005 have been fully considered but they are not found to be persuasive.

In regard to claim 1, the Applicant (see page 4, last paragraph thru page 5, first paragraph) disagrees that Hoeven (US 5,878,014) teaches deriving the reflection signal through the use of only a single recording state as asserted by the Examiner. As pointed out by the Examiner on the final Office Action dated November 4, 2004, sub-beam 25 in Figure 2 detects a reflection signal (see column 5, lines 19-44), which detected reflection signal, at any given point in time, is necessarily one of two states (recorded or unrecorded; or crystalline or amorphous). Such knowledge is so well-known in the art that Hoeven does not need to specifically point out the exact words claimed by the Applicant.

In regard to claim 2, the Applicant argues on page 6, second paragraph that Hoeven does not teach the subject matter defined by claim 2, i.e., the reflection is measured at spots where a piece already in a highly reflecting state is overwritten with a highly reflecting state. The Examiner disagrees. Column 3, first paragraph describes a well-known technique of writing information on a disc using a laser light. Blank optical discs, i.e., unwritten optical discs are known to be initially made of highly reflective material, i.e., the claimed "already in a highly reflecting state". Information is written by burning a series of pits corresponding to a recording signal. The series of pits comprise continuous 0's or 1's, wherein 0's represent a highly reflecting state and 1's represent a low reflecting state. 1's are written to the blank optical disc by actually forming recording marks, i.e., changing the originally highly reflective state into a low reflecting state. On the other hand, since the 0's represent a highly reflecting state, the burning of bits is simply skipped when 0's are to be recorded, i.e., the claimed "a piece already in a highly reflecting state is overwritten with a highly reflecting state". Finally, as mentioned in the response to arguments against claim 1 above, sub-beam 25 in Figure 2 detects a reflection signal, which detected reflection signal, at any given point in time, is obviously one of two states (recorded or unrecorded). Therefore, during detection of the reflection signal, unwritten (0) states are eventually detected, i.e., the claimed "the reflection is measured at spots where a piece already in a highly reflecting state is overwritten with a highly reflecting state".

In regard to claim 1, the Applicant traverses the 102(b) rejection under Johann et al. (US 5,184,343). On page 7, third paragraph of the After-Final Amendment, the Applicant states that the Examiner has not indicated how Johann et al. reads on rejected Claim 1 except for the global assertion that the claimed material is disclosed. The Examiner disagrees. The Applicant is directed to item 12 of the final Office Action dated November 4, 2004, where the Examiner cited specific portions of Johann et al. and detailed explanations on how claim 1 is rejected under the Johann et al. reference.

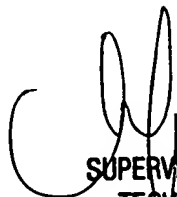
In regard to claim 2, the Applicant argues on page 7, last paragraph that there is no disclosure for determination of specific states within Johann et al. First, the Examiner disagrees for the reasons presented on item 12 of the final Office Action dated November 4, 2004. Second, the determination of specific states is not claimed in claim 2.

In regard to claims 1 & 2, the Applicant argues on page 8, third paragraph that there is no disclosure or suggestion within the teachings of Zaima (US 6,333,909) for measuring only one of the states within the reflected signal even if the other is being written. The Examiner disagrees for the reasons presented on item 13 of the final Office Action.

In regard to claims 1 & 2, the Applicant argues on page 8, last paragraph that the teachings of Yokoi et al. (US 6,487,149) do not disclose or suggest the reflection is measured of only one of the states and the measured value is used for controlling the power of the laser diode as recited by the rejected claims. The Examiner disagrees for the reasons presented on item 14 of the final Office Action.

In regard to claims 1 & 2, the Applicant traverses the 102(e) rejection under Masui et al. (US 6,600,712). Applicant is directed to item 15 of the final Office Action for a detailed explanation of how the claims are interpreted by the Examiner.

In regard to claims 7-12, the Applicant traverses the 103(a) rejections (see page 10) based on the assumptions that the references applied against the rejections do not disclose the similar subject matter of the claims discussed above, and therefore, the references are assumed to be invalid. However, in light of the reasons presented above, the Examiner maintains that the references are valid and thus, the 103(a) rejections are maintained.


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